

**LOCAL RULES OF PRACTICE**

**FOR THE COURTS  
OF THE THIRD JUDICIAL  
CIRCUIT**

**HARRISON COUNTY, INDIANA**

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## **LR31-AR00-01      APPLICABILITY OF RULES**

**SCOPE.** The following local rules of practice and procedure shall apply to cases filed in the Superior and Circuit Courts of Harrison County, Indiana, but shall not apply to criminal cases or cases on the Small Claims Docket unless otherwise indicated.

**EFFECTIVE DATE.** These local rules shall be effective January 1, 2007, and shall supersede such rules heretofore enacted by said Courts.

**CITATION.** These rules may be cited using the corresponding ten (10) letters and numbers associated with each rule. The Indiana Rules of Trial Procedure are hereinafter referred to as Trial Rule (#)

**PURPOSE.** These rules are promulgated pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure and are intended to supplement the Indiana Rules of Trial Procedure.

## **LR31-TR3.1-02      APPEARANCE AND WITHDRAWAL OF APPEARANCE**

**INITIAL APPEARANCE.** An attorney entering an appearance for any party, or a party appearing pro se, shall file a written appearance in compliance with Trial Rule 3.1.

**WITHDRAWAL OF APPEARANCE.** Excepting appearances in estates, guardianships, or criminal matters, an attorney desiring to withdraw his appearance in any other proceeding shall file a written motion requesting leave to do so accompanied by a notice of hearing or proof satisfactory to the Court that at least ten (10) days prior written notice has been given to the client and to all other parties of record in advance of the withdrawal date, which date shall be set forth in the written notice.

**WITHDRAWAL IN ESTATE OR GUARDIANSHIP CASES.** An attorney desiring to withdraw his appearance in an estate or guardianship matter shall file a written motion requesting leave to do so accompanied by a notice of hearing which shall be served upon the personal representative or guardian directing said person to appear at the hearing.

**WAIVER OF RULE.** A motion for leave to withdraw an appearance of successor counsel and, excepting appearances in estate or guardianship, a motion to withdraw an appearance accompanied by a written consent of the client shall constitute a waiver of the requirements of this local rule.

## **LR31-AR00-03      DUTIES OF ATTORNEYS**

### **PREPARATION OF ENTRIES**

**STATUS OF PROCEEDINGS.** Each attorney appearing of record and each party to a proceeding shall at all times keep themselves informed of the status of the proceeding and shall be particularly bound by hearing dates orally set by the Court from the bench in their presence.

**PREPARATION OF ENTRY.** When opposing counsel has appeared in a proceeding, the attorney who has agreed to prepare an entry as requested by the Court shall place on the last page of the entry appropriate signature lines indicating “prepared by” and “reviewed by” and shall submit the entry to opposing counsel for examination. Opposing counsel shall promptly examine the entry when submitted, shall sign the entry, and shall submit the entry to the Court within five (5) days of receiving same. If opposing counsel disputes the contents of the proposed entry, opposing counsel shall be under no obligation to sign the proposed entry and shall file notice with the Court indicating the nature of the dispute concerning the contents of the proposed entry.

**FAILURE TO PREPARE ENTRY.** If an attorney agrees to prepare an entry and then fails to do so within fifteen (15) working days of the Court’s request, opposing counsel may prepare the entry and submit same to the Court advising the Court by letter of the efforts made to gain preparation of the entry. Failure of counsel to prepare an entry as agreed may subject counsel to sanctions including the assessment of reasonable attorney fees for counsel who prepared the entry.

## **LR31-AR00-04      PAYMENT OF FEES**

**INITIAL FEES.** All fees associated with the filing of a case shall be prepaid to the Clerk when the case is filed.

**TRANSFER FEES.** All fees and costs associated with the transfer of a case to another county or transfer of a case from the small claims docket to the civil plenary docket shall be paid within twenty (20) days of the Order directing transfer and the failure to pay such costs shall result in the rescinding of the Order directing transfer and jurisdiction of the case shall remain with the Court.

## **LR31-TR05-05      PROOF OF SERVICE**

**TRIAL RULE 5 REQUIREMENTS.** Proof of services of pleadings or papers required to be served by Trial Rule 5 may be made either by:

a certificate of services signed by an attorney of record which certificate shall identify by name and address the person or persons to whom service is directed; or

an acknowledgment of service signed by the party served or the attorney of record if such party is represented by an attorney.

**SERVICE OF PROCESS.** Except for proof of service of process, which may appear on computerized records, court personnel shall not be required to review court files to determine if a party has acquired service of process.

## **LR31-TR07-06      FORM AND STYLE OF PLEADINGS**

### **FILING OF PLEADINGS**

**SIGNATURE REQUIRED.** Any pleading, motion, brief or paper not signed by an attorney admitted to practice pursuant to the terms of LR31-TR3.1-02, or a pro se party, shall be stricken from the record by the Court upon its own motion.

**PAPER SIZE AND LANGUAGE.** All pleadings, motions, entries, orders, judgments and other papers shall be filed on letter size (8 ½ x 11) paper, and shall be legibly typed in the English language.

**FLAT FILING.** The files of the Clerk of the Court shall be kept under the flat filing system. All pleadings presented for filing with the Clerk or the Court shall be flat and unfolded.

**CERTIFICATE OF SERVICE.** All certificates of services shall identify by name and address the person or persons to whom service is directed.

**IDENTIFICATION.** Every pleading, motion, brief, and paper filed shall clearly identify the name, office address, telephone number, and Indiana Supreme Court Attorney Number of the individual attorney or attorneys filing same.

**USE OF PARALEGAL.** All pleadings, motions, briefs and papers may be filed by the attorney's secretary or paralegal.

**ORDERS AND ENTRIES.** Except as required by LR31-AR00-03, all proposed orders and entries shall reflect the name of the person preparing under the indication “tendered by”, shall be submitted in sufficient number for each person entitled to service and shall contain a distribution list identifying by name and address each person entitled to service.

**SCHEDULING ORDERS.** Proposed orders accompanying motions of the scheduling of matters for hearing, pre-trial conference and trial shall contain adequate space for the insertion of a time and date for a primary setting of the matter and a secondary setting, if desired.

**SERVICE ON SPECIAL JUDGE.** Unless otherwise directed by a special judge, after qualification by a special judge, a copy of each document filed thereafter in the proceeding shall be served on the special judge at his private office or at the Court where he regularly presides and the proof of service shall reflect such service.

## **LR31-TR16-07      PRE-TRIAL CONFERENCES**

### **ASSIGNMENT OF CASES FOR TRIAL**

**COURT CALENDAR.** A calendar of cases assigned for bench trial or jury trial shall be kept by the Court and the Court Reporter shall enter on the calendar at the direction of the Court, the style, cause number, and the time and date the trial is assigned to commence.

**REQUIRED PRE-TRIAL CONFERENCE.** No case shall be assigned for jury trial without the Court having conducted a pre-trial conference thereon and any party or attorney of record desirous of acquiring a jury trial shall first file a motion requesting a pre-trial conference accompanied by a proposed order

**OTHER PRE-TRIAL CONFERENCES.** The Court, in its discretion, may require a pre-trial conference on certain cases to be heard at bench trial and the Court shall, sua sponte, set such cases for conference. Any party or attorney of record desirous of having a pre-trial conference for such cases may file a motion requesting same accompanied by a proposed order.

**ATTENDANCE AT PRE-TRIAL CONFERENCE.** At least one attorney for each party who is a member of the Indiana Bar and who will participate in the trial shall appear at the pre-trial conference. An attorney who fails to attend a pre-trial conference shall be bound by the trial date set by the Court as well as such other matters as contained in the Court's Pre-Trial Order.

**REQUESTS FOR BENCH TRIAL.** The assignment of a case for bench trial may be had by motion duly filed and accompanied by a proposed order. Said motion shall reflect an estimate of the trial time required.

**TRIAL ASSIGNMENTS.** The Court may assign a case for trial by jury or by bench on a primary or secondary basis.

**CRIMINAL TRIALS.** Criminal trial settings shall take precedence over civil trial settings. The Court may, in its discretion, make exceptions to the priority of criminal trial settings.

## **LR31-AR00-08       MOTIONS**

**GENERALLY.** Excepting motions made during the course of a recorded proceeding, all motions shall be in writing.

**PROPOSED ORDERS REQUIRED.** Proposed orders shall accompany motions or applications in the following matters:

to enlarge or shorten time  
for setting of hearing, conference or trial  
for continuance  
for default judgment  
to compel discovery  
to withdraw appearance  
of dismissal  
for change of venue  
for restraining order, temporary injunction  
for summary judgment  
for such other orders, judgments or decrees as the Court may direct.

**HEARINGS REQUIRED.** Excepting motions to correct error, motions for summary judgment or other motions described subsection F, subsection G and subsection H of this rule, all motions shall be set for hearing at the time of their filing and shall be accompanied by a separate instrument requesting a hearing and an order for the setting of a hearing date.

**NOTICE OF MOTION AND ORDER.** In lieu of the requirement of subsection C of this rule, an attorney may utilize a Notice of Motion and Order for routine matters such as a motion for continuance, motion to amend pleading, motion to shorten time, motion to add parties, motion to compel discovery and the like. The Notice of Motion shall indicate that the Court will rule on the motion and enter its Order beginning at 9:00 A.M. on the Monday which is not less than five (5) working days from the date of the Court's actual receipt of the Notice of Motion.

**MOTION TO CORRECT ERROR.** Any party may request a hearing upon a Motion to Correct Error by filing a written request therefore by separate instrument at any time before the Court has ruled upon such motion. It shall be discretionary with the Court whether a hearing shall be held on such Motion to Correct Error.

**HEARING NOT REQUIRED.** At the time of filing, the following motions shall be summarily granted or denied ex parte unless the Court, in its discretion, determines a hearing should be scheduled on any such motion and schedules such hearing;

Motion for Enlargement of Time (initial request)

Motion to Reconsider

Motion for Change of Venue from Judge/County

Motion for Default Judgment

Joint Motion for Continuance

Motion to Dismiss Settled

Motion to Set Hearing/Pre-Trial conference/Bench Trial

Motion for Temporary Restraining Order/Joint Preliminary Injunction in domestic matters in accordance with LR31-FL00-10

Motion to Withdraw Appearance excepting in Estate, Guardianship or Criminal matters  
Such matters as permitted by statute or Trial Rule

**MOTIONS UNDER TRIAL RULES 12, 24, 42, AND 60.** Motions seeking relief under Trial Rules 12, 24, 42, and 60 shall be accompanied by a brief and proof of service upon opposing counsel. An adverse party shall have fifteen (15) days after service of the movant's brief to file an answer brief, and the movant shall have seven (7) days after service to file a reply brief. Not later than the time provided by expiration of the time provided by the briefing schedule, the proponent of the motion shall file a written request to schedule the matter for hearing.

**MOTIONS FOR SUMMARY JUDGMENT.** Motions for Summary Judgment and any supporting affidavits, exhibits and briefs shall be accompanied by proof of service upon opposing counsel. An adverse party may file a response and any opposing affidavits, exhibits and briefs, with proof of service upon opposing counsel, within thirty (30) days after the service of the motion or within such additional time period allowed by the Court.

A hearing on a Motion for Summary Judgment shall be held not less than ten (10) days after the time for the filing of a response and the proponent of the motion shall file a written request to schedule the matter for hearing accompanied by an order for the setting of a hearing date.

Motions for Partial Summary Judgment shall be accompanied by proposed findings of fact and conclusions of law.



## **LR31-TR53.5-09      CONTINUANCES**

**GENERALLY.** A motion for continuance of a hearing or trial shall be accompanied by an order, which shall contain adequate space for insertion of a new time and date for rescheduling purposes.

**CONTENT OF MOTION.** A motion for continuance shall set forth the scheduled date, the reason for continuance, the specific length of time the moving party desires the cause to be delayed, and reference as to whether opposing counsel agrees or disagrees to a continuance of the scheduled hearing or trial.

**TIMING OF MOTION.** No continuance shall be granted at the request of party unless a written motion for same is filed not less than ten (10) days prior to the scheduled hearing or trial, unless it is made to appear by affidavit that the facts which are the basis of the motion did not then exist or were not then known by the moving party.

**SANCTIONS.** All delays and continuances of a cause shall be at the cost of the party causing the same, except where otherwise provided by law, and the adverse party may have such costs taxed and judgment rendered therefore upon motion duly made.

## **LR31-FL00-10      DISSOLUTION OF MARRIAGE**

### **APPLICATION FOR PROVISIONAL ORDER, EXPEDITED HEARINGS AND MANDATORY EXCHANGE OF FINANCIAL DECLARATION FORM**

**REQUEST FOR A HEARING.** The Court shall grant an oral hearing on an application for a provisional order upon the timely filing of a written motion and proposed order setting hearing.

**CHANGE OF VENUE/EMERGENCY MATTER.** If a change of venue from the Judge and/or County results in a delay of the entry of a ruling in a provisional matter, an application for child support may be deemed to be in the nature of an emergency upon the filing of a written request for such determination within five (5) working days of the filing of the adverse party's Motion for Change of Venue. Upon such a finding by the Court, the Court shall retain jurisdiction in such instance and enter its findings on child support in accordance with this Local Rule.

### **MANDATORY EXCHANGE OF VERIFIED FINANCIAL DISCLOSURE FORM.**

In all dissolution proceedings, each party shall prepare and exchange respectively within forty-five (45) days of the filing of the Petition for Dissolution of Marriage, a Verified Financial Declaration Form, to be provided upon request. The forty-five (45) day time limit may be extended or shortened by the Court for good cause shown. In those cases where there is service, but no appearance by counsel for the opposing party, it is the responsibility of Petitioner's Attorney to serve the completed form on the other party and

to notify that party of the duty to prepare and serve one as well.

The exchange of the Verified Financial Declaration Form constitutes mandatory discovery. Thus, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26E(2) and (3), the form shall be supplemented if additional material becomes available. Further, any additional discovery, such as a Motion to Produce, Interrogatories, or Depositions of the parties shall not commence until the forms are exchanged. No contested marriage dissolution action will be set for trial unless counsel for either or both parties certify to the Court that the form has been completed by both parties.

A copy of a completed Verified Financial Disclosure Form, when served upon the opposing party shall also be deemed to be a Request for Admissions. In the event that a party does not prepare and serve his or her respective Form within the time period provided in this rule, then the form for the complying party may be filed with the Court and the factual information contained in said Form shall be deemed admitted as fact by all parties and the case set for trial on motion of the complying party. When the form is filed with the Court, it shall be sealed and designated "Confidential".

**TRANSPARENTING.** In any dissolution, separation or post dissolution proceeding where orders are requested regarding unemancipated children, both parties to the proceeding shall attend and complete the Transparenting Seminar by a Court approved provider, unless a party has attended within the prior two (2) years. Failure to register and attend may constitute cause for denial of requested relief including provisional orders and final decrees. This rule shall not be construed to permit any party to delay legal proceedings by not registering or attending the seminar. Failure to comply with this section may be subject the non-complying party to contempt proceedings.

## **LR31-FL00-11          DISSOLUTION OF MARRIAGE**

### **FINAL HEARING**

**SCHEDULING.** A final hearing on a Petition for Dissolution of Marriage shall be set by the Court in accordance with LR31-TR16-07 if the cause is contested. If the cause is not contested a final hearing shall be held at such time as is mutually convenient to the parties and the Court or at such other time as generally set by the particular court for hearings on uncontested matters.

**SUMMARY DISPOSITION.** The Court upon submission of the appropriate documentation shall enter a summary disposition on a Petition for Dissolution to the Court in accordance with the statutory requirements.

## **LR31-FL00-12        DISSOLUTION OF MARRIAGE**

### **SERVICE ON REDOCKETED MATTERS**

Service of process of post-dissolution actions such as petitions for modifications and applications for rule to show cause must be on a party pursuant to Trial Rule 4. Service of process of such actions upon the attorney who represented the party in the underlying dissolution action shall be deemed insufficient.

## **LR31-PR00-13        PROBATE**

**CLOSING WITHIN ONE YEAR.** All estate shall be closed within one (1) year unless for good cause shown. Good cause for not closing an estate within one (1) year shall be shown by the verified statement setting forth the facts as to why said estate cannot be closed and an estimate of the time required for the closing of the estate.

**INTERMEDIATE ACCOUNTING.** The Court may order an intermediate accounting within thirty (30) days of the expiration of one (1) year of the opening of the estate if good cause is not shown. Such accounting shall comply with the provisions of IC 29-1-16-4 and 29-1-16-6 and such accounting shall also state facts showing why the estate cannot be closed.

**NONCOMPLIANCE.** Failure to comply with this Rule shall be grounds for removal of the personal representative, pursuant to IC 29-1-10-6, and for reduction or forfeiture of personal representative fees and attorney's fees.

**UNSUPERVISED ESTATES.** An unsupervised estate shall become a supervised estate if not closed within one (1) year unless for good cause shown in accordance with paragraph A herein.

## **LR31-JR26-14        JURY INSTRUCTIONS**

Proposed final instructions, special or pattern, shall be submitted on letter size (8 ½ x 11) paper, double-spaced, with all designations including indications for the Court's disposition placed on the bottom three (3) inches of the instruction.

The parties shall submit a second set of proposed final instructions containing no designation of who submitted them, or other identifying references, and shall contain only the statement of law. This set of jury instructions may be sent with the jury to the jury room for use during deliberations.

**LR31-AR00-15      EX PARTE ORDERS**

Ex parte proceedings are highly disfavored. In civil cases, the Court may enter orders, ex parte, in those matters as set forth in LR31-AR00-08(F). In dissolution actions, including protective orders, the Court may enter orders, ex parte, in accordance with LR31-FL00-10.

Upon motion of any party adversely affected by any ex parte proceeding not in conformity with this rule, the Court, after notice and opportunity to be heard, may direct that the party or attorney seeking an ex parte order shall pay to the adversely affected party the reasonable attorney's fees associated with the opposition to the ex parte order.

**LR31-AR00-16      RULE BANNING OR PROHIBITING  
FIREARMS, EXPLOSIVE DEVICES AND CELL PHONES**

No person, excluding law enforcement, or person exempted by the Court, shall take, carry, transport or possess any firearm or explosive device, in any area, in or adjacent to the Courtroom or the offices of the Clerk of Court located in the Harrison County Courthouse, State of Indiana or in the Harrison County Justice Center in Corydon, Indiana. Additionally, cell phones, pagers, and other electronic devices, shall be placed in the "off" or "vibrating" position while in the Courtroom, and may be confiscated for a minimum of two working days if disruption of Court occurs due to the device.

**LR31-AR00-17      STANDING ORDER IN JUVENILE DELINQUENCY  
CASES**

The Harrison Juvenile Court issues its Standing Order that all juveniles and their parents or guardians of their estate appearing in court read and comply with the attached dress code, Advisement of Rights and Notice of Financial Responsibility.

The Harrison Circuit Probation Office is directed to provide a copy of this Standing Order and attachments to all juveniles and their parents or guardian of their estate upon their first contact with the probation office.

All juveniles and their parents or guardian of their estate shall read, initial and sign, the Advisement of Rights and file same with the Court at the juveniles first Court appearance.

Each juvenile is further ordered to keep and maintain his or her copy of each Delinquency Petition pertaining to his or her case and to have the Delinquency petition with him or her at each court appearance.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

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H. LLOYD WHITIS, JUDGE  
HARRISON JUVENILE COURT

Harrison Circuit Probation Office

## **DRESS CODE FOR HARRISON JUVENILE COURT**

As members of the community utilizing the Harrison Juvenile Court, it is expected and required that you and your child appear in Court in appropriate attire.

As the Courtroom is not a casual environment, it is expected that all parents/legal guardians present their children and themselves to the Court in compliance with the following guidelines to insure the professional integrity of the Court and the Judicial Process.

### **UNACCEPTABLE CLOTHING**

**SHORTS OF ANY KIND** (cutoff or other), **T-SHIRTS, TANK OR HALTER TOPS,** shirts with inappropriate messages, sweat shirts, torn clothing (this includes clothing purchased with tears already in them), untied shoe laces, bathing or body suits, and hats.

It is the parent/guardian's responsibility to insure the clothing worn by their children is in compliance with this Dress Code.

Failure to comply with the expected Dress Code may result in the continuance of your case and in some instances may result in the child's detention during the continuance period.

### **CONDUCT**

Since this is a formal proceeding, appropriate responses to questions by the Court shall be "yes", "no", "yes sir", "no sir", or "Yes, Your Honor", "No, Your Honor".

IN THE HARRISON CIRCUIT COURT  
STATE OF INDIANA

\_\_\_\_\_  
A CHILD ALLEGED TO BE A CHILD  
IN NEED OF SERVICES OR A CHILD  
ALLEGED TO BE A DELINQUENT CHILD

CAUSE NO. 31C01-\_\_\_\_-\_\_-\_\_

ADVISEMENT OF RIGHTS

This form is to make sure that you and your son/daughter understand your rights and possible outcomes of this case. Signing this form does not give up any of your rights.

\_\_\_\_ I understand that I have the following rights: The right to know the nature of the allegation against the juvenile; to be represented by an attorney; right to a speedy trial; the right to confront all witnesses; to subpoena witnesses; to introduce evidence on my own behalf; to refrain from testifying against myself; to have the State of Indiana prove that I committed the offence beyond a reasonable doubt.

\_\_\_\_ I understand that I may hire an attorney of my own choice; waive my right to an attorney; or ask the Court to appoint an attorney to represent me.

\_\_\_\_ The possible outcomes of your case; if you are found to have committed the delinquent act as charged, range from: A commitment to Indiana Department of Correction Youth Division, placement in a Detention Center for a period of ninety (90) days if I am under age Seventeen (17) and One Hundred Twenty (120) days if I am Seventeen (17) or older; I could be removed from my home and placed in a shelter care facility or another home; I could be placed on probation for period of time, I could be ordered to pay restitution; My family and I could be ordered to attend any type of counseling; The Court will order you to pay the Court Costs of One Hundred Thirty Dollars (\$130.00), Administrative Fee of One Hundred Dollars (\$100.00) and the probation user fee of up to One Hundred Dollars (\$100.00) initially and Fifteen Dollars (\$15.00) per month while you are on probation. Your Driver's License or Learner's Permit could be suspended for any period of time.

\_\_\_\_ To the parent, guardian, or custodian: If your juvenile is found to be a delinquent, you could be required to participate in any program of rehabilitation your son or daughter. You could also be held financially responsible for any or all of the costs of rehabilitation.

\_\_\_\_\_ I understand that if I am charged with a serious act that would be a felony if I were an adult or the current charge is of a repetitive pattern, the State may file a motion to waive my charges into adult Court.

I understand all my rights and possible penalties as stated above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
JUVENILE

\_\_\_\_\_  
PARENT/GUARDIAN

\_\_\_\_\_  
PARENT/GUARDIAN

IN THE HARRISON JUVENILE COURT  
STATE OF INDIANA

IN THE MATTER OF:

\_\_\_\_\_  
A CHILD ALLEGED TO BE A CHILD IN  
NEED OF SERVICES OR A CHILD  
ALLEGED TO BE A DELINQUENT CHILD

CAUSE NO. 31C01-\_\_\_\_ - \_\_\_\_ - \_\_\_\_

### **NOTICE OF FINANCIAL RESPONSIBILITY**

Indiana law provides that the parent(s) or guardian(s) of a child who is found to be a Child in Need of Services or a Child found to be a Delinquent Child may be held responsible for all or part of any expenses incurred by Harrison County in providing services to such child, including, but not limited to, the costs of any out of home placement, medical care, optical care, et cetera. The costs of placement can vary enormously from facility to facility depending on the type of care and treatment provided to your child. It is suggested that you inquire of the daily expenses for your son or daughter. In an effort to keep you advised as to the costs of any placement, the Harrison County Department of Child Services and/or the Harrison County Probation Office will provide you with copies of any ledgers or payment summaries that they receive. It is your responsibility to provide the Harrison County Department of Child Services copies of all such insurance cards and policies in force and effect at the time any placement occurs which might have coverage for payment of such services. It is also your responsibility to make inquiry into what expenses your insurance may cover and to insure that they receive all the information they need in order to make payment which will benefit your child and reduce your responsibility.

Often times, however, private insurance does not cover room and board at treatment facilities or other placement locations. In addition, it is your responsibility to update this information whenever circumstances change. You may review the status of payments at any time by making an appointment with the Harrison County Department of Child Services.

It is also your responsibility to keep the Harrison County Department of Child Services informed of any lapse in coverage or discontinuation of insurance coverage of any kind and provide written notice of same to the Harrison County Department of Child Services. The law requires that the Court order reimbursement for all placement costs unless that Court finds that you are not able to pay and/or payment would not serve the ends of justice. The Court may order payments or order that you pay only a percentage of the costs incurred by the County and the Court may also periodically review any previous order to pay. The Court continues to have jurisdiction over you beyond your child's eighteenth birthday to order repayment and/or to collect monies ordered to be repaid. You are entitled to a hearing on the issue of whether or not you are able to pay and whether or not payment would serve the ends of justice.

A copy of this Notice of Financial Responsibility is directed to be given to each and every parent and/or guardian having primary physical custody of a child alleged to be a Child in Need of Services or alleged to be a Delinquent Child, and whenever possible, efforts will be made to provide the non-custodial parent with a copy of this Notice of Financial Responsibility.

The financial responsibility for payment of costs incurred by Harrison County extends to both the custodial and non-custodial parent, subject to the Court's right to apportion the payments as it determines appropriate under the particular circumstances of the case. Should you have any questions, please raise them with your attorney or, if you are not represented by counsel, with the Court at the first available opportunity IN COURT. You will be asked to confirm receipt of this notice of Financial Responsibility. This notice is directed to be provided to each and every parent or guardian of a child alleged to be a Child in Need of Services or a Delinquent Child.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

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H. LLOYD WHITIS, Judge  
HARRISON JUVENILE COURT

DISTRIBUTION:  
HARRISON COUNTY DEPARTMENT OF CHILD SERVICES  
HARRISON CIRCUIT COURT PROBATION OFFICE  
COURT FILE  
PARENT/GUARDIAN



## **LR31-JR-18 LOCAL JURY RULES OF HARRISON CIRCUIT COURT**

1. The Administrative Assistant and Bailiff are hereby appointed Jury Administrators for the Harrison Circuit Court.
2. Pursuant to Indiana Jury Rule 4, the Harrison Circuit Court selects by Local Rule the two-tier notice and summons procedure.
3. The Jury Administrators for the Harrison Circuit Court shall compile the jury pool quarterly by randomly selecting names from the Master List as described in the Indiana Supreme Court's order approving the Master List for Jury Pool Assembly and Jury Reporting Requirements dated October 26, 2005. The Jury Administrators shall compile the jury pool more often than quarterly, if necessary.
4. The jury pool compiled may be used for either petit or grand jury.
5. The Jury Administrators shall mail a jury qualification form and notice of the period during which any service may be performed after names are drawn from the jury pool as required by the Judge of the Harrison Circuit Court.
6. As needed, the Harrison Circuit Court shall inform the Jury Administrators periodically to summon prospective jurors for trials and summonses shall be forwarded by regular mail to the prospective jurors together with a jury information sheet to be furnished by the Harrison Circuit Court.
7. The Harrison Circuit Court shall furnish to the Jury Administrators the form of the summons, jury qualification form, notification form and juror information form.

## **LR31-CR4-19 SPEEDY TRIAL MOTIONS**

A copy of every Motion for Speedy Trial under Criminal Rule 4 shall be personally delivered to the Judge or Court Reporter by the defendant's attorney or the defendant on the same date the motion is filed with the Court.

## **LR31 - CR11 - 20 NOTICE OF APPEAL AND MOTION TO CORRECT ERRORS**

A copy of every Notice of Appeal or Motion to Correct Errors filed with the Clerk of this Court should be brought to the attention of the Judge and the Court Reporter. The Clerk of the Court shall serve upon the Judge and the Court Reporter a copy of Notices of Appeal and Motion to Correct Errors.

**LR-31-CR00-21      PLEA AGREEMENT DEADLINE  
AND CONTINUANCE OF CRIMINAL JURY TRIALS**

- A. The State and the defendant shall file a written and signed Plea Agreement with respect to ANY criminal case no later than twenty-one (21) days prior to the trial date.
- B. The defendant, the defendant's attorney, and the Prosecuting Attorney assigned to try the case shall appear in Court, and the State shall inform the defendant in open court of the State's final offer, if any, in any criminal case approximately three (3) weeks prior to the date of the scheduled jury trial.
- C. If the State and the defendant fail to file a written and signed Plea Agreement no later than twenty-one (21) days prior to the date the trial is scheduled to begin, the Court will not accept any Plea Agreement unless the parties demonstrate good cause for failure to file a written and signed Plea Agreement in a timely fashion.
- D. Any request to continue any jury trial shall be filed no later than twenty-one (21) days prior to the date the trial is scheduled to begin unless good cause is shown for failure to request a continuance of a jury trial sooner.
- E. Failure to comply with discovery orders may constitute adequate grounds for either continuance of jury trials (with delay attributable to the party failing to comply with discovery orders) or appropriate sanctions against the party failing to comply with discovery orders.

**LR31-CR12-22      CHANGE OF VENUE IN CRIMINAL, INFRACTION AND  
ORDINANCE VIOLATION CASES**

- A. This Local criminal rule has the purpose to comply with and to augment Indiana Criminal Rules Number 12 and 13, and is not to supersede same.
- B. In criminal, infraction and ordinance violation cases where a change of venue from judge motion has been granted, and in instances where a judge recuses or is disqualified, the Court shall use the following panel of judges who have agreed to serve in rotation:
- JUDGE – K. LYNN LOPP, CRAWFORD CIRCUIT COURT  
JUDGE – HARRIS LLOYD WHITIS, HARRISON CIRCUIT COURT  
JUDGE – GLENN HANCOCK, FLOYD COUNTY COURT  
SENIOR JUDGE – CURTIS B. ESKEW
- C. Judges previously assigned to the cause shall be ineligible for reassignment to that case.

D. In each instance where a defendant's change of venue from the judge motion has been granted in criminal, infraction and ordinance violation case(s), or where a judge has disqualified or recused himself from criminal, infraction and ordinance violation cases(s), the same judge shall be selected as the special judge under this rule for all criminal, infraction and ordinance violation cases pending against the defendant in that court for which the regular judge is disqualified. In addition, in any instance where a special judge has already been appointed for a defendant in a criminal, infraction and ordinance violation case(s), the same judge shall be selected as special judge if any new criminal, infraction, and ordinance violation case(s) are filed against the defendant and the regular judge grants a change of venue from the judge or disqualifies or recuses himself from any criminal, infraction, and ordinance violation case(s).

### **LR31-CR00-23      BOND SCHEDULE AND RULES**

<b>OFFENSE</b>	<b>BOND</b>	
	Indiana Residents	Non-Residents
Public Intoxication	Own Recognizance	\$500 cash, or surety; 20% cash deposit
Class "C" Misdemeanors <u>except</u> Operating While Intoxicated and purchasing more than 3 grams of Pseudoephedrine and/or Ephedrine within one week	\$500 cash, or surety; 20% cash deposit	\$500 cash, or surety; 40% cash deposit
Class "B" Misdemeanors <u>except</u> Public Intoxication	\$750 cash, or surety; 20% cash deposit	\$750 cash, or surety, 40% cash deposit
Class "A" Misdemeanors, <u>except</u> Operating While Intoxicated, Marijuana and Title 9	\$1,000 cash, or surety; 20% cash deposit	\$1,000 cash, or surety, 40% cash deposit

Class "D" Felonies, <u>except</u> Title 9, controlled substance, Marijuana, Methamphetamine, Chemical Reagents or Precursors, Dumping Controlled Substance Waste, Possession of Anhydrous Ammonia With Intent to Manufacture, Possession of More Than 10 Grams of Pseudoephedrine, Ephedrine, and/or Phenylpropanolamine	\$4,000 cash, or surety; 20% cash deposit	\$4,000 cash, or surety; 40% cash deposit
Class "C" Felonies <u>except</u> those involving the operation of a motor vehicle, controlled substances, Meth, Possession of Two or More Chemical Reagents or Precursors, Possession of More Than 10 Grams of Pseudoephedrine, Ephedrine, and/or Phenylpropanolamine, Possession of Anhydrous Ammonia With Intent to Manufacture	\$10,000 cash or surety	\$20,000 cash or surety
Class "B" Felonies surety <u>except</u> those involving the operation of a motor vehicle, controlled substances, and Methamphetamine	\$20,000 cash or surety	\$40,000 cash or
Class "A" Felonies, <u>except</u> Attempted Murder, controlled substances, and Methamphetamine	\$50,000 cash or surety	\$100,000 cash or surety
Operating While Intoxicated, Class "A" and Class "C" Misdemeanors, Marijuana as a Class "A" Misdemeanor, and all Title 9 Class "A" Misdemeanors	\$500 full cash only (No property, surety or 20% cash deposit)	\$500 full cash only (No property, surety or % cash deposit)

Title 9, Operating While Intoxicated, and Marijuana Class "D" Felonies	\$800 full cash only (No property, surety or 20% cash deposit)	\$800 full cash only (No property, surety or % cash deposit)
Class "C" Felonies involving the operation of a motor vehicle	\$5,000 full cash only	\$5,000 full cash only
Class "B" Felonies involving the operation of a motor vehicle	\$10,000 full cash only	\$10,000 full cash only
Marijuana Class "C" Felonies (No property, surety or 20% cash deposit)	\$5,000 full cash only (No property, surety or % cash deposit)	\$10,000 full cash only
Controlled Substance Class "D" Felonies <u>except</u> Methamphetamine and Methamphetamine related offenses	\$2,500 full cash only (No property, surety or 20% cash deposit)	\$2,500 full cash only (No property, surety or % cash deposit)
Controlled Substance Class "C" Felonies <u>except</u> Methamphetamine and Methamphetamine related offenses	\$5,000 full cash only (No property, surety or 20% cash deposit)	\$5,000 full cash only (No property, surety or % cash deposit)
Controlled Substance Class "B" Felonies <u>except</u> Methamphetamine	\$10,000 full cash only (No property, surety or 20% cash deposit)	\$10,000 full cash only (No property, surety 0% cash deposit)
Controlled Substance Class "A" Felonies <u>except</u> Methamphetamine	\$25,000 full cash only (No property, surety or 20% cash deposit)	\$25,000 full cash only (No property, surety or % cash deposit)
Class "C" Misdemeanor Purchasing More Than 3 grams of Pseudoephedrine and/or Ephedrine within one week	\$500.00 full cash only (No property, surety or % cash deposit)	\$500.00 full cash only (No property, surety or % cash deposit)

Class "D" Felonies, Methamphetamine, Possession of Two or More Chemical Reagents or Precursors With Intent to Manufacture, Dumping Controlled Substance Waste, Possession of More Than 10 Grams of Pseudoephedrine, Ephedrine and/or Phenylpropanolamine, Possession of Anhydrous Ammonia With Intent to Manufacture	\$5,000 full cash only (No property, surety or 20% cash deposit)	\$5,000 full cash only (No property, surety or 20% cash deposit)
Class "C" Felonies, Methamphetamine, Possession of Two or More Chemical Reagents or Precursors With Intent to Manufacture, Possession of More Than 10 Grams of Pseudoephedrine, Ephedrine and/or Phenylpropanolamine, Possession of Anhydrous Ammonia With Intent to Manufacture	\$10,000 full cash only (No property, surety or 20% cash deposit)	\$10,000 full cash only (No property, surety or 20% cash deposit)
Class "B" Felony Methamphetamine	\$20,000 full cash only (No property, surety or 20% cash deposit)	\$20,000 full cash only (No property, surety or % cash deposit)
Class "A" Felony Methamphetamine	\$50,000 full cash only (No property, surety or 20% cash deposit)	\$50,000 full cash only (No property, surety or 20% cash deposit)
Illegal Aliens	No Bond for three (3) working days unless INS notifies jail sooner of No Hold	
Murder, Attempted Murder, True Identity of Person Unknown, and Fugitives from another state	<u>No Bond until set by Court after hearing</u>	

Property bonds may only be posted if authorized by the Court.

Any person arrested for a new criminal charge who has been arrested for a criminal charge within one (1) year of the date of the new arrest shall be required to post a bond in amount equal to twice (double) the amount that would otherwise be required to be posted.

Any person arrested for a new criminal charge who is on parole or on probation for a felony offense shall be held without bond for fifteen (15) days or until brought before the Court. At the expiration of the fifteen (15) day hold the bond shall be twice (double) the amount that would otherwise be required if the defendant was not on parole or probation for a felony offense.

As a condition of bond, all persons, defendants and/or bondmakers posting cash bonds are to be notified that bond will be receipted in the name of the Defendant and may be subject to payment to the Clerk of the Court for fines, Court costs, probation user fees, pre-trial diversion fees, alcohol-drug program fees, alcohol and drug countermeasure fees, drug interdiction fees, restitution, public defender fees or any other assessment pursuant to I.C. 35-33, before any balance will be released to the Defendant or bondmaker. The Sheriff is directed to notify each person posting bond of this Order of the Court. Bondmaker shall pay a \$5.00 fee on each bond for the special death benefit fund as required by law.

Due to the Sheriff's inability to bond all persons that handle cash bonds, the Sheriff of Harrison County, in his discretion, may require all "full cash" bonds to be posted using certified check or money order.

Any person arrested for Battery, Criminal Recklessness, Sex Crimes (I.C. 35-42-4), Kidnapping, Criminal Confinement, Robbery, Car Jacking, Arson, Residential Burglary, Residential Entry, Stalking, Criminal Gang Intimidation, Harassment, Intimidation, Invasion of Privacy, and when an individual is charged with attempt, conspiracy, or aiding and abetting in any of the above listed types of offenses, shall not be permitted to post any bond for 24 hours or until the person is brought before the Court, whichever comes first.

Illegal Aliens shall be held without bond until further order of the Court or the expiration of three (3) working days (Holidays and weekends do not count) after arrest or until notice by INS of No Hold, which ever comes first. Unless the Court orders otherwise, the defendant's bond shall be in accordance with this bond schedule after the expiration of three (3) working days from the time of arrest or notification from INS that there will be no hold. The purpose of this order concerning illegal aliens is to allow the Homeland Security/ Immigration and Naturalization Service (INS) adequate time to investigate and determine whether the INS wishes to detain the defendant for prosecution and/or deportation.

If the true identify of a person is unknown s(he) shall be held until further order of the Court.

All persons arrested for Driving While Intoxicated, Driving with a B.A.C. of .08 or greater, Minor Consuming or Public Intoxication shall not be released from custody until a sufficient number of hours have elapsed to permit the alcohol to disperse from the body.

The following is the MINIMUM number of hours of custody:

<u>B.A.C. HOURS</u>		<u>B.A.C. HOURS</u>		<u>B.A.C. HOURS</u>	
.075	5	.150	10	.225	15
.090	6	.165	11	.240	16
.105	7	.180	12	.255	17
.120	8	.195	13	.270	18
.135	9	.210	14	.285	19
.300	20				
REFUSAL	24				

All persons arrested for Public Intoxication or Minor Consuming WILL be held in custody until a sufficient number of hours have elapsed to permit alcohol to disperse from the body according to a B.A.C. test (not P.B.T.) If the defendant fails, refuses, or declines a B.A.C. then (s)he shall be held for Twenty-four (24) hours.

All persons over 18 years of age charged with Minor Consuming may be held in custody for a MINIMUM OF TWENTY-FOUR (24) HOURS unless they voluntarily submit to a B.A.C. test. If they submit to a B.A.C. test they may bond out after the burn off time set forth herein. The police, Sheriff, and Corrections personnel are not required to provide a B.A.C. test.

All persons arrested on any charge(s) who are under the influence of and are impaired by marijuana or any illegal drug shall be held in custody for Twenty-four (24) hours.

The Jailer or Bondmaker is DIRECTED to obtain an address and telephone number of the Defendant on the bond.

There shall be no initial bond on persons arrested for being fugitive from another state unless the Court sets a bond in such instances.

NO individual, who is arrested, may be released on his or her OWN RECOGNIZANCE without the authority of the Judge of the Circuit or Superior Court except as set forth herein. Bonds or any Bench Warrants may NOT be changed except by the Judge of the Circuit or Superior Court. Any of the above provisions can be altered (increased or decreased) by the Judge of the Circuit or Superior Court.



All persons making bond shall complete and sign Terms and Conditions of Bond and shall be subject to the terms and conditions of bond as set forth in Exhibit "A" attached hereto. The defendant shall be given a return date no longer than forty-five (45) days after being released from jail unless the Court has set a different date.

**LR31-CROO-24      MOTOR CLUBS GUARANTEEING  
SECURITY FOR MINOR TRAFFIC OFFENSES**

The Secretary of State, State of Indiana, has forwarded the following list of Motor Clubs which have filed appropriate plans with the Secretary of State's Office, guaranteeing their membership cards as security for the appearance in Court of members who commit minor traffic offenses:

AAA Chicago Motor Club, Attn.: John Chamberlain, Office of the General Counsel, The Auto Club Group, 1 Auto Club Drive, Dearborn, MI 48126; Arrest Bond: \$1,000.

AAA Hoosier Motor Club, Attn.: Janet Jackson, P. O. Box 88505, Indianapolis, IN 46208-0505; Arrest Bond: \$1,000; Bail Bond: \$5,000.

Allstate Motor Club, Attn.: Bonnie Sue Dohring, 1500 W. Shure Drive, Arlington Heights, IL 60004; Arrest Bond: \$500 limit.

Ford Auto Club, Attn.: Elvira Zavala, P. O. Box 224688, Dallas, TX 75222-4688; No limits indicated.

Mobil Auto Club, Attn.: Carrie Groat, GE Financial Assurance, 200 North Martingale Road, Schaumburg, IL 60173-2096; Arrest Bond: \$1,000; Bail Bond: \$10,000.

Montgomery Ward Auto Club, Attn.: Carrie Groat, GE Financial Assurance, 200 North Martingale Road, Schaumburg, IL 60173-2096; Arrest Bond: \$1,000.

Motor Club of America Enterprises, Attn.: David Kircher, 3200 W. Wilshire Boulevard, Oklahoma City, OH 73116; No limit indicated.

National Motor Club of America, Attn.: Paula Shacklett, 6500 North Beltline Road, Suite 200, Irving, TX 75063; No limit indicated.

Ocamo Industries, Attn.: Carrie Groat, GE Financial Assurance, 200 North Martingale Road, Schaumburg, IL 60173-2096; No limits indicated.

Safe Driver Motor Club, Attn.: Laurie L. Little, Geico Direct, One Geico Plaza, Washington, D.C. 20076-0001; No limit indicated.

Signature's Nationwide Auto Club, Attn.: Carrie Groat, GE Financial Assurance, 200 North Martingale Road, Schaumburg, IL 60173-2096; No limits indicated.

Smart Choice Auto Club, Attn.: Paul Kainrath, P. O. Box 607, Newburgh, IN 47629-0607; No limit indicated.

United States Auto Club, Attn.: Elvira Zavala, P. O. Box 660460, Dallas, TX 75266-0460.

**LR31-CR00-25      ALCOHOL DRUG PROGRAM FEE SCHEDULE**

The following schedule of fees apply to the category of cases as follows:

- |   |           |
|---|-----------|
| A. All Driving While Intoxicated (Pretrial Diversion, First Offense, subsequent Offense, or charged offense amended to another offense) | \$ 400.00 |
| B Marijuana, Meth or Controlled Substance (Pretrial Diversion, First or subsequent Offense)   | \$ 400.00 |
| C. Other alcohol and/or drug related Offenses   | \$ 300.00 |
| D. Transfer fee   | \$ 100.00 |
| E. Alcohol/Drug Assessment Fee  | \$ 100.00 |
| F. The Court on a case-by-case basis may increase the fees in any particular case to \$400.00.  |           |
| G. The Court may on a case-by-case basis waive fees or decrease fees if justified under the circumstances of the particular case.       |           |

**LR 31-JR4-26**

**LOCAL JURY RULES OF  
HARRISON SUPERIOR COURT**

- A. The Clerk of the Circuit Court is hereby appointed Jury Administrator for the Harrison Superior Court.
- B. Pursuant to Indiana Jury Rule 4, the Harrison Superior Court selects by Local Rule the two tier notice and summons procedure.
- C. The Jury Administrator for the Harrison Superior Court shall compile the jury pool annually, or more often, if necessary, by selecting names from the list of residents of Harrison County approved by the Indiana Supreme Court. The Jury Administrator shall use the most up-to-date listing of residents for Harrison County approved by the Indiana Supreme Court and shall begin using any updated list as soon as it is reasonably practical to do so.
- D. The jury pool compiled may be used for either petit or grand jury.
- E. The Jury Administrator shall mail a jury qualification form and notice of the period during which any service may be performed after names are drawn from the jury pool as required by the judge of the Harrison Superior Court.
- F. As needed, the Harrison Superior Court shall inform the Jury Administrator periodically to summon prospective jurors for trials and said summons shall be forwarded by regular mail to the prospective jurors together with a jury information sheet to be furnished by the Harrison Superior Court.
- G. The Harrison Superior Court shall furnish to the Jury Administrator the form of the summons, jury qualification form, notification form and juror information form.

**LR31 - AR15- 27      HARRISON SUPERIOR AND CIRCUIT COURTS  
LOCAL RULE REGARDING COURT REPORTER  
FEES FOR TRANSCRIPTS**

Section One. Definitions: The following definitions shall apply under this Local Rule:

1. A Court Reporter is a person who is specifically designated by a Court to perform the official court reporting services for the Court including preparing a transcript of the record.
2. Equipment means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
3. Work space means that portion of the Court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
4. Page means the page unit of transcript which results when a recording is transcribed in the form required by the Indiana Rule of Appellate Procedure 28.
5. Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. Regular hours worked means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court with the county, but remain the same for each work week.
7. Gap hours worked means those hours worked that are in excess of the regular hours worked, but hours not in excess of forty (40) hours per work week.
8. Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
9. Work week means a seven (7) consecutive-day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. Court means the particular court for which the court reporter performs services. Court may also mean all the courts in Harrison County.
11. County indigent transcript means a transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
12. State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
13. Private transcript means a transcript, including but not limited to, a deposition transcript, that is paid for by a private party.
14. Appeal transcript means a transcript prepared in any case, civil or criminal, for purposes of an appeal to the Indiana Court of Appeals or the Indiana Supreme Court.

## SECTION TWO. Salaries and Per Page Fees:

1. Court Reporters shall be paid an annual salary for regular work hours under the control, discretion, and direct supervision of the supervising Court during any regular work hours, gap hours, or overtime hours. The supervising Court shall enter into a written agreement with the Court Reporters which outline the manner in which the Court Reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
2. Subject to the approval of each County's fiscal body, the amount of the annual salary shall be set by the Court.
3. Regular working hours shall be determined by each Court.
4. Gap hours shall be hours worked in excess of regular working hours (if regular working hours are less than forty (40) hours per week), but not in excess of forty (40) hours per week.
5. Overtime hours shall be hours worked in excess of 40 hours per week.
6. The maximum per page fee a Court Reporter may charge for the preparation of a county indigent appeal transcript shall be Five Dollars (\$5.00) per page and Five Dollars (\$5.00) per page for any non-appeal transcripts. The Court Reporter shall submit a claim directly to the Court for the preparation of any county indigent transcript.
7. The maximum fee a Court Reporter may charge for the preparation of a state indigent appeal transcript shall be Five Dollars (\$5.00) per page.
8. The maximum per page fee a Court Reporter may charge for the preparation of a private appeal transcript shall be Five Dollars (\$5.00).
9. The maximum per page fee a Court Reporter may charge for the copy of any appeal transcript is Two Dollars and Fifty Cents (\$2.50) per page.
10. With respect to any transcript, the Court Reporter may charge a minimum fee of Fifty Dollars (\$50.00).
11. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$7.50 per page if request is for transcript to be prepared within five (5) days; the maximum per page fee shall be \$8.50 per page where the transcript must be prepared within 24 hours or less. Index and Table of Contents will be charged at the same rate as the other pages.
12. The index and table of contents pages will be charged for at the same page rate being charged for the rest of the transcript.
13. An additional labor charge equal to the hourly rate for the Court Reporter at the time the transcript is being prepared may be charged by the Court Reporter for the time spent binding any transcript and exhibits.
14. A reasonable charge for office supplies and any other necessary materials and equipment required and utilized for preparing, binding, and electronic transmission of a transcript may be charged by the Court Reporter. A schedule of transcript supplies will be established and published annually by the Judge or Judges of the County.

15. The Court Reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

#### Section Three. Private Practice:

1. If a Court Reporter elects to engage in private practice through recording a deposition and/or preparing of a deposition transcript, trial transcript, hearing transcripts, plea change and sentencing transcripts, or other transcripts, and the Court Reporter desires to utilize the Court's equipment, work space, and supplies, and the Court agrees to the use of Court equipment for such purposes, the Court and the Court Reporter shall enter into a written agreement which must at a minimum designate the following:

- A) the reasonable market value for the use of equipment, work space and supplies;
- B) the method by which records are to be kept for the use of equipment, work space and supplies; and
- C) the method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space and supplies.

2. If a Court Reporter elects to engage in private practice through recording a deposition and/or preparing a deposition transcript, trial transcripts, hearing transcripts, plea change and sentencing transcripts or other transcripts, all such private practice work shall be conducted outside of regular working hours.

#### SECTION FOUR. Disk as Official Record:

1. Upon the filing of a written request or praecipe for transcript, the Court Reporter shall transcribe any Court proceeding requested and produce an original paper transcript along with an electronically formatted transcript. Multiple disks containing the electronically formatted transcript shall be prepared and designated as "Original Transcript", "Court Reporter's Copy" and "Court's Copy". Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the court reporter's name, and the disk number if more than one disk is required for a complete transcript. The Court's copy of the electronic transcript shall become the official record of the Court proceeding, in lieu of a paper copy of the transcript, and shall be retained in the Court where said proceeding was held. The court reporter's copy shall be retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the Clerk if the transcript was prepared for purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.

## **LR31-AR-1 (E)- 28 CASE LOAD ALLOCATION PLAN**

The Harrison County Caseload Allocation Plan is proposed as follows:

A. Cases filed in Harrison Circuit Court shall be

- (1) All juvenile delinquent, juvenile status, juvenile paternity and miscellaneous juvenile cases;
- (2) All child in need of services (CHINS) cases;
- (3) All juvenile termination of parental rights cases;
- (4) Domestic relations cases, except every sixth case filed;
- (5) All civil miscellaneous cases;
- (6) All uniform reciprocal support cases;
- (7) All Petitions for an Order for Protection (Protective Orders)
- (8) All mental health issues;
- (9) All adoptions;
- (10) All probate matters, including estates;
- (11) All guardianships;
- (12) All trusts;
- (13) All mortgage foreclosure cases; and
- (14) Civil plenary, civil collection and civil tort cases wherein the amount in controversy is in excess of the jurisdictional limit of the small claims court.

B. Cases filed in Harrison Superior Court shall be:

- (1) All criminal (murder, felony, misdemeanor and miscellaneous criminal cases);
- (2) All infraction and ordinance violations;
- (3) All small claims;
- (4) Civil collection, civil tort and civil plenary cases where the total amount of damages or property involved does not exceed the small claims jurisdictional amount;
- (5) Every sixth domestic relations case filed.

C. All revocation of probation and post conviction relief cases shall be filed in the court where the original case is or was last pending.

D. The Judge of either the Harrison Circuit Court or the Harrison Superior Court may allow the filing of any cases in such court on a case-by-case basis unless another local rule, rule of the Indiana Supreme Court or a statute prohibits the filing of such cases in the court.

E. Cases already filed in either court shall remain in that court and this case allocation plan shall apply to new cases filed on and after the effective date of this caseload allocation plan.

## **LR31-TR79-29      APPOINTMENT OF SPECIAL JUDGES**

**A. Section H Appointments.** In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.

**B. Method of Assignment.** The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall be in a sequential order beginning with the name of the judge following the last judge so assigned. If, however, because of travel considerations a judge has been passed over or if a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case.

The assignment judge shall maintain a record of all assignments.

**C. Travel Considerations.** In making the selection of a special judge, the assignment judge shall consider that travel of more than forty (40) miles in one direction is not an effective use of judicial resources.

**D. Roster of Available Judges.** The roster of available judges in Administrative District 14 shall be maintained by Court designation in the following sequential order and shall include senior judges as available:

- |                       |                          |
|-----------------------|--------------------------|
| (1) Clark Circuit     | (10) Harrison Superior   |
| (2) Clark Superior #1 | (11) Orange Circuit      |
| (3) Clark Superior #2 | (12) Orange County       |
| (4) Clark Superior #3 | (13) Scott Circuit       |
| (5) Crawford Circuit  | (14) Scott Superior      |
| (6) Floyd Circuit     | (15) Washington Circuit  |
| (7) Floyd Superior #1 | (16) Washington Superior |
| (8) Floyd Superior #2 |                          |
| (9) Harrison Circuit  |                          |

**E. Appointment Order.** Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending, who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

**F. Acceptance of Jurisdiction.** The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge, unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.



**G. Form of Order.** The Order of Appointment shall be in the following form:

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY  
STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Honorable \_\_\_\_\_ of the \_\_\_\_\_ Court of \_\_\_\_\_ County is hereby appointed to serve as special judge in the above-captioned case.

SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge, \_\_\_\_\_ Court

Assigned this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Administrative District #14

Assignment Judge

**H. Implementation of Rule.** In the event a selected judge does not accept an appointment to serve as a special judge under the provisions of Sections (C ), (D) or (E) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

**I. Certification To Supreme Court.** If, under the provisions of this Rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending, who shall then certify such fact to the Indiana Supreme Court for the appointment of a special judge.

If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special judge. Under such circumstance, this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special judge.